

REMARKS/ARGUMENTS

Various claims are being amended as shown above. The claim amendments clarify the claim language and are not intended to limit the scope of the claims, unless the claim language is expressly quoted in the following remarks to distinguish over the cited art. No new matter is introduced by virtue of the claim amendments.

In the office action, claims 1-31 were rejected under 35 U.S.C. §101 because the claims are allegedly directed to a non-statutory subject matter, specifically, the claims are allegedly not directed towards the final result that is "useful", tangible and concrete". Applicant respectfully traverses the rejection.

As stated in the cited "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility", to satisfy the section 101 requirements, the claim must provide a transformation or reduction of an article to a different state or thing, and if the examiner finds such a transformation or reduction, the examiner shall end the inquiry and find that the claim meets the requirement of section 101. In response to the Examiner's rejection, claims 1-31 are being amended to overcome the rejection under 35 U.S.C. §101, by reciting that "*an attribute value is added or modified by adding data or modifying data in the category table or in the content table.*" Therefore, the claims provide a transformation of an article to a different state, as required under section 101.

Furthermore, the claims permit an attribute value in the computer database to be added or modified. As a

result, the claims permit a method and system that advantageously offer a flexible and generic database design. Therefore, the claims provide a practical application that produces a useful, tangible and concrete result, as required under section 101.

For the above reasons, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. §101.

In the office action, claims 1-31 were rejected under 35 U.S.C. §101, as allegedly being unpatentable over claims 1-31 of commonly-assigned U.S. Patent No. 6,687,704.

A reliable test for double patenting under 35 USC 101 is whether a claim in the application could be literally infringed without literally infringing a corresponding claim in the patent. *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970). If there is an embodiment of the invention that falls within the scope of one claim, but not the other, then identical subject matter is not defined by both claims and statutory double patenting would not exist (see, MPEP 804). Responsive to this rejection under section 101, the claims are being amended to overcome the double patenting rejection. Specifically, claim 1 substantially recites that an attribute value is added by adding data in the category table or in the content table, and does not require a row change in order to add or modify an attribute value. In contrast, the claims of the cited US Patent 6,687,704 cover a different scope from the claimed invention, because the cited US Patent 6,687,704 claims require an attribute value to be modified by changes in the rows in the category table and rows in the content

table. Also, claim 1 substantially recites that an attribute value is added. In contrast, the cited US Patent 6,687,704 claims do not recite the adding an attribute value, and the cited US Patent 6,687,704 only recite the modification of an attribute value. Therefore, there are embodiments of the invention that fall within the scope of the pending claims of the present application, and these same embodiments do not fall within the scope of the cited US Patent 6,687,704. Accordingly, identical subject matter is not defined by both set of claims and statutory double patenting does not exist (MPEP 804). Accordingly, claims 1-31 are now allowable, and Applicant respectfully requests the withdrawal of this statutory type double patenting rejection.

For the above reasons, Applicant requests reconsideration and withdrawal of the rejection under 35 U.S.C. §101.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

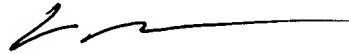
If the undersigned attorney has overlooked a teaching in the cited reference that is relevant to the allowability of the claims, the Examiner is respectfully requested to specifically point out where such teachings may be found.

CONTACT INFORMATION

If the Examiner has any questions or needs any additional information, the Examiner is invited to telephone the undersigned attorney at (805) 681-5078.


Date: July 26, 2006

Respectfully submitted,  
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